

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6683

BILL NUMBER: HB 1373

NOTE PREPARED: Dec 8, 2004

BILL AMENDED:

SUBJECT: Involuntary Manslaughter.

FIRST AUTHOR: Rep. Tincher

BILL STATUS: As Introduced

FIRST SPONSOR:

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: The bill increases the penalty for a child care provider who commits involuntary manslaughter from a Class D felony to a Class C felony. It makes the offense a nonsuspendible offense.

Effective Date: July 1, 2005.

Explanation of State Expenditures: Under current law, involuntary manslaughter encompasses various offenses including a child dying as a result of a child care provider's reckless supervision. In 2000, 2001, and 2004, one person a year was committed to a Department of Correction (DOC) facility for Class D involuntary manslaughter. However, the data do not indicate if the offender was a child care provider, or violated one of the other conditions of Class D involuntary manslaughter.

State expenditures would increase if an offender is incarcerated in a state prison for a longer period of time. A Class D felony is punishable by a prison term ranging between six months to three years or reduction to Class A misdemeanor, depending upon mitigating and aggravating circumstances. A Class C felony is punishable by a prison term ranging from two to eight years.

The average expenditure to house an adult offender was \$21,514 in FY 2004, ranging from a low of \$16,645 to a high of \$49,281. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the average cost for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily, per prisoner. The estimated average cost of housing a juvenile in a state juvenile facility was \$59,574, with the costs ranging from a low of \$52,420 to a high of \$77,674. The average length of stay in DOC facilities for all Class C felony offenders is approximately two years, while the average length

of stay for all Class D felony offenders is approximately ten months.

Explanation of State Revenues: No change would likely occur in state revenue as a result of this bill since criminal fines and court fees are the same for either Class D or C felonies.

Explanation of Local Expenditures:

Explanation of Local Revenues: No additional revenues would be expected since the court fees for Class D and Class C are both \$120.

State Agencies Affected: Department of Correction.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: Indiana Sheriffs' Association, Department of Correction.

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